

NEW SOUTH WALES PARLIAMENT.

LEGISLATIVE COUNCIL.

TUESDAY, MARCH 16, 1865.

In the Legislative Council yesterday afternoon, the only members in attendance were Mr. Hargrave, Mr. Allen, Mr. Bligh, Mr. Walker, and Mr. Levy. At half-past four o'clock the chairman of Committees (in the absence of the President) adjourned the House until four o'clock on Wednesday next.

LEGISLATIVE ASSEMBLY.

TUESDAY.

The Speaker took the chair at half-past three o'clock.

THE SPEAKER.—*Order of the Day.*—*Postage Service.*

Mr. PARKES said the Colonial Secretary—Whether any proposal has been submitted to this Government by the Government of New Zealand, for the establishment of a steam postal and passenger service between England and this colony, via the Isthmus of Panama, and whether the Government intended to have the particulars of any communication that may have been arrived at on the subject.

Mr. COWPER said, in reply, that Dr. Fetherstonhaugh, the Superintendent of the province of Wellington, had arrived in this colony, duly authorised to negotiate with the Government of New Zealand, for the establishment of a steam postal and passenger service between England and this colony, via the Isthmus of Panama, and whether the Government intended to have the particulars of any communication that may have been arrived at on the subject.

Mr. COWPER said, in reply, that Dr. Fetherstonhaugh, the Superintendent of the province of Wellington, had arrived in this colony, duly authorised to negotiate with the Government of New Zealand, for the establishment of a steam postal and passenger service between England and this colony, via the Isthmus of Panama, and whether the Government intended to have the particulars of any communication that may have been arrived at on the subject.

Mr. PARKES asked the Colonial Secretary—Whether it was the intention of the Government, during the present session, to abolish the postal charge imposed last year on colonial newspapers?

Mr. COWPER said that, before the Government could propose to make any proposal to Parliament, which would affect the colonies, they must consider the revenue, especially the revenue from the colonies, which they might consider to be insufficient; it would be necessary that means should be furnished for making up the present deficiency between the expenditure and the revenue. When that had been done, the Government would be prepared to consider the propriety of repealing any charges which might be found to be oppressive or vexatious.

DIRTY SWAMP.

Mr. BUCHANAN asked the Secretary for Lands, "When the Government intend to proclaim the road from Kelso, to Dirty Swamp, to the head of the Fish River?"

Mr. ROBERTSON said to say that this would be done as speedily as possible.

PETITION.

Mr. WHITE presented a petition from sawyers, splitters, &c., of Mawneeflock, complaining of the mode of issuing licences, and praying an amendment of the present regulations. Received.

DOCUMENTS.

Mr. COWPER laid on the table a paper from the Auditor-General on the subject of financial control.

Ordered to be printed.

Mr. ARNOLD laid on the table a return to an address moved for by the hon. member for Hawkesbury, Mr. Cummins, respecting the bill for the Water Tax. He said,

In moving that this be printed, the hon. member said he would take that opportunity of making allusion to a statement made in the course of the debate on the motion for this returns with regard to the mode in which that time had been conducted. The hon. member for Hartley had remarked, in referring to Governor-General's speech, that people employed on this line—the tenor of his argument being to cast censure upon the officers of the department who sanctioned the arrangement for its use. This having been the case, it was only fair that the truth should be laid before the House. The statement of the hon. member was to the effect that the colonial Government had three times heavier than those ordered and ordinary roads on the line. This was substantially a restatement of what had appeared in a public paper; and, as he had himself seen the same remarks, and been struck by the apparent want of ordinary care taken by the railway department, he had made inquiries into the circumstances, taking off the shoulders of the man whom he had sent to Mr. Scott, the foreman of the locomotive branch, for a return of the weight of the different engines, with their full complement of coal and water, when in use. From this he found that the tank engine used on this line weighed 11 tons 12 cwt., whilst the engine used in carrying the heavy, weighed 26 tons 9 cwt., whilst the "Governor-General" weighed 17 tons 3 cwt., or only 1 ton 2 cwt. more than those used for the line. From this it was shown that, far as any censure on the department was concerned, it was in this point, altogether misdirected.

Mr. LEWIS said, in reply, that the time mentioned that he got the statement from the public prints.

THE DOCUMENTS were ordered to be printed.

FELONS APPREHENSION BILL.

Mr. DARVELL, in rising to move the second reading of this bill, said that he had made this motion with feelings of regret that it should have fallen to his lot to perform this duty. That, however, would not prevent him, as no doubt he would be justified in doing so, from doing his best.

He had approached them, yet the law was such that before a man defended himself by shooting them, he must have given an opportunity of shooting him. He had, however, not done this, but had left to stand one of those scoundrels to be shot, because he had been brought to bear upon a person who might stand there in his stead.

These men being known to hundreds of people in different districts (many of whom were now in quest of them), the punishment of a breach of law, during a period of time, would be very slight, if any at all. The law, however, did not consider that under the same legal rights these scoundrels had, and the protection afforded in harboring them, enabling them to get fresh horses, and bid defiance to the police, gave them greater impunity.

Their most recent, however, attempt at assassination, firing from behind logs, an unoccupied policeman and driver of vehicles, showed that they were not to be measured in dealing with them, but a strong determination to exterminate the evil.

What he desired by the bill to do was to strike a wholesome terror into the people—moreover, to put the bushrangers—participating in the fruits of their crimes—into a state of apprehension, and to render them less bold.

He desired to make it more difficult and dangerous for them to pursue their career of robbery and arson, and let the police feel that their hot pursuit was being done.

He regretted that the condition of the country should be such as to call for greater severity in order to repress crime. He was unwilling to accept as a solution for the present condition of affairs the practice of letters and exhortations, that were raised to no avail, and had a tendency to give a stimulus to the criminal.

He had, however, no desire to make the law too severe, as he might or might not have been convicted of murder. It was unnecessary to swell the account of his crimes.

John Peasley was guilty of one murder, three mail robberies, five robberies with arms, and one other robbery with arms. John Mann was guilty of one mail robbery. John Bow, one mail robbery. Fordey, one mail robbery. Charters, one mail robbery. John Gilbert was guilty of two murders, twenty-one mail robberies, thirty-seven robberies with arms and violence—altogether thirty-four offenses. He had been charged with armed robbery, and that charge was put down. He did not desire to go minutely into the history of these criminals, but as a justification of the measure he had introduced, he would place before the House the criminal history of a certain number of notorious villains who still elude the law, and were yet at large. He had, however, no desire to make a comparison like our own, as it would be difficult to find any two countries in which the same degree of crime could be committed.

The object of this bill was to vindicate the law, which was not for a moment to be put in the scale against the interests of those who did nothing else than prey upon society. It was due to the police force that he should be justified in doing so, for the sake of the safety of the community.

He referred to this catalogue of crime he believed he should be justified in the opinion of the Assembly, because he desired him, members to know the difficulty to be dealt with before asking them to do this.

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MRS. LIRRIPER'S LEGACY.

(From All the Year Round.)

II.

A FANT LOBBIN RELATED A WILD STORY OF A DOCTOR.

I HAVE lived in a common-place way, Major, in common-place times, and should have mighty little to tell of my own life and adventures (if I were put to it) that would be likely to interest any one save myself. But I have a story by me that shall be yours if you please. Of this story I have only to say a few words. My father had the manuscript of it in his possession so long as I can remember, and he once allowed me, when about to approach years of discretion, to read it. It was given to him by my very old friend, whom I hardly remember about our house when I was a boy—a French gentleman of obliging manners, and with a melancholy smile. He fades out of the memory of my youthful days very early, and I chiefly remember him because my father told me that he had received this manuscript from him, and that in parting with it the French gentleman had said: "Ah! few people would believe what went on at that time in France, but here's a specimen. I don't expect you to believe it."

When the time came for examining my deceased father's papers this paper turned up among the rest. I put it aside, being immersed in business matters at the time, and only came upon it yesterday, in these very lodgings, in the course of a periodical rummage among a great box of papers from my bankers in the Strand hard by. The periodical rummage came to an end directly, and with the zest naturally derived from a sense that I ought to be doing something else, I read over every word of the manuscript. It is faded and yellow, and it is odd, as you shall hear. Thus it is:

"It is pretty well known that as the eighteenth century drew towards its close, and as the moment approached when the mighty change which had been long threatening, was actually about to take place—it is well known, I say, that we Parisians had got into a condition of mind which was about as bad as bad could be. Luxurious, used up, we had for the most part lost all sense of enjoyment; while as to any feeling of duty—Heaven help us! there was little enough of that. What did we believe of man's responsibility? We were like mad, but we knew if we could; if we could not—why, then we were a ruined race."

It was just one of those states of things which all thinking men were able to see, could not possibly last long. A great shock must be at hand, such men said: a constitution so utterly deranged must pass through some severe attack before it would be likely to get better. That "serious attack" came, and the great French Revolution inaugurated a new condition of affairs. What I have to relate, however, has nothing to do with the revolution, but took place some few years earlier, the great convulsion shook the world, and another era began.

It is not to be supposed that men who held the opinions, and led the lives of the better class of Parisians at that time, were happy. Indeed, a frank, open-hearted man, who was tolerably content with the world as he found it, would have been looked upon with contempt by the more enlightened (and miserable) sort, and would have been regarded as a man deficient alike in intellect and "ton." There

were few enough of such, however, and the representatives of the morbid class had it all their own way. Of course, the morbid class it was not likely that any average well-educated man would get out of their difficulties as suicide should be neglected, and it is not too much to say that the sacrifice offered up at that terrible shrine, were beyond all limits of ordinary proportion. It was such a resource to fall back upon, such a quick way out of the difficulty: Was money short? Was a wife troublesome, or a mistress obdurate? Wait a course of east wind setting in? Were pleasures pleasures no longer, while pain still pain? Was life, for any reason, not worth having? Was it a bore, a penance, a hell itself? If so, then the remedy at hand—get rid of it. As to what lay before him, the chance of his chance. Perhaps there was nothing. Perhaps there were the Elysian Fields, with endless earthly gratifications and semi-partial youth and freshness, to make them enjoyable. "Let us be off with all speed," said the weary ones; "who will help us on our way?"

Helpers were not wanting. There were cunning persons which would dispose of you in a twinkling, and let you know nothing about it. There were baths and lancets, and anybody could seat himself in a warm bath and rub off of his own veins and die with decently. Then there were priests, beautiful little toys all laid with silver, and mother-of-pearl, and with your own arms let into them, and their consciences—if you happened—which was very likely—to be a marquis. And was there not

not charcoal? The sleep said to be produced by its fumes was of the soundest—no dreams—no walking. But then you must be sure to step up all the chinks, or you might happen to inhale a breath of air, and so find yourself back among the east winds and creditors, and the rest of the ills of life, with only a congettation of the head for your pains. All the sarcasm of the world, which our poor little spark of life may be expected to live out at that time, but there was one particular method of getting the terrible business which was more fashionable than the rest, and of which it is my special business to treat.

There was a certain handsome street in Paris, and in the Faubourg St. Germain, in which there lived a certain learned man, Dr. Bertrand. He was a man of striking and rather agreeable appearance, with a fine portly figure, and a handsome and strikingly intelligent face; his age was somewhere between forty and fifty; but there was one characteristic about his countenance, which every one who came in contact with him must have felt, though not all would have been able to explain what that affected them. His eyes were dead. They were dead, and they never moved."

The rest of his face was as mobile as the faces of other people in the average, but not so with the eyes. They were of a dull leaden colour, and they actually seemed dead: the idea being further carried out by the livid and unwholesome tint of the skin around those organs. Judged from his looks, the skin might have mortified.

Dr. Bertrand, in spite of his dead eyes, was a personage of cheerful, almost gay, manners, and of an unvarying and amazing politeness. Nothing ever put him out. He was also a man surrounded by impenetrable mystery. It was impossible to get *him* to break down the barriers which his politeness erected around him, and the secret of his mystery, which the scientific world had prodded. He was a rich man, and his pecuniary means had increased lately in a marked degree. The Doctor made no secret of his resources; it was part of his nature to enjoy luxury and splendour, and he lived in both. His house, an hotel of moderate size in the Rue Maconseil, enclosed in a court yard of its own, filled with shrubs and flowers, was a model of taste. His dining-room especially was the realised ideal of what such an apartment should be. Pictures, beautiful pictures—not pieces of art—but pictures of scenes, the walls, and these were lighted up at night in the most brilliant manner, by lamps of enormous power. The floor was paved with the most splendid Persian carpets, the curtains and chairs were of the finest Utrecht velvet, and, in a conservatory outside, always heated to the most luxurious point, a fountain played perpetually: the light trickling of its water making music in the beautiful place.

And well might Dr. Bertrand have so perfect a dining-room in his house. To give dinners was a great part of Dr. Bertrand's business. In certain circles those dinners were highly celebrated, but they were always talked about under the rose. It was whispered that their splendour was fabulous; that the dishes and the wines reached a point of perfection absolutely unknown elsewhere; that the waiters were dressed up to serve, and that they knew their business, which is saying much; that they dined seated upon velvet fauteuils, and ate from golden plates; and it was said, moreover, that Dr. Bertrand entered into the spirit of the times, that he was a mighty and experienced chemist, and that it was an understood thing that Dr. Bertrand's guests did not feel life to be all they could wish, and had no desire to survive the night which succeeded their acceptance of his graceful hospitality.

Strange and intolerable imputation! Who could live under it? The Doctor could apparently. For he not only lived but thrived and prospered under it.

It was a delicate and dainty way of getting out of the difficulties of life, this provided by Dr. Bertrand. You died in a style of unwonted luxury, and you enjoyed excellent company, the Doctor himself the very best of company. It is a fact, however, that you must have feelings a little drawn perhaps, just enough so to make your bed seem delightful; you went off to sleep instantly—the Doctor knew to a minute how to time it all—and you woke up in the Elysian Fields. At least that was where you expected to wake up. That, by-the-by, was the only part of

the programme which the Doctor could not make out.

Now, there arrived at Dr. Bertrand's house, one morning, a letter from a young gentleman named De Cerval, in which an application was made that the writer might be allowed to partake of the Doctor's hospitality next day. This was the usual form of address (it was usual) a very handsome fee accompanied the letter, and a polite answer was returned in due time, enclosing a card of invitation for the following day, and intimating how much the Doctor looked forward to the pleasure of making Monsieur de Cerval's acquaintance.

A dull rainy day at the end of November was not a day calculated to reconcile to life any one previously disapproving of the same. Everything was dripping, the trees in the Champs Elysées, the eaves of the wagons with their umbrellas of those who were provided with them, the luxuries of those who were not; all were dripping. Indeed, nothing was quite so entirely a characteristic of the day that the Doctor, with that fine tact and knowledge of human nature which distinguished him, had, in arranging the evening programme, given orders that the conservatory fountain should be stopped, lest it should affect the spirits of his guests. Dr. Bertrand was always very particular that the spirits of his guests should not be damped.

Alfred de Cerval was something of an exception to the Doctor's usual class of visitors. In his case it was not unusual, or unnatural, or life nor a longing for the一声es of those who had made him one of the Doctor's guests. It was a mixture of pique and vexation, with a real conviction that what he had set his heart upon, as alone capable of bringing him happiness, was out of his reach. He was of a rash impulsive nature, he believed that all his chance of happiness was gone for life, and he determined to quit life. Two great causes ordinarily brought grief to Dr. Bertrand's mill: money troubles and love troubles. De Cerval's difficulties were of the latter description. He was the son of a lord, and his father had been a peer.

"To-morrow," he was going to say, "The Doctor thought the moment a propitious one for sending round the champagne; and even in this assembly it did its usual work, and the buzz of talk followed as it circled. "This poulet," said the Doctor, "is a dish on which we pride ourselves rather." It was curious that the Doctor's guests always had a disposition to those dishes which he recommended the most strongly. They knew why they were come, and that was to have something to eat. There was something treacherous in recommending things to the Doctor, with that fine tact and knowledge of human nature which distinguished him, had, in arranging the evening programme, given orders that the conservatory fountain should be stopped, lest it should affect the spirits of his guests. Dr. Bertrand was always very particular that the spirits of his guests should not be damped.

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"Dear me," said the gentleman who had before regretted having missed the Bois in a fog, and who on the whole seemed to have come to the Doctor, with that fine tact and knowledge of human nature which distinguished him, had, in arranging the evening programme, given orders that the conservatory fountain should be stopped, lest it should affect the spirits of his guests. Dr. Bertrand was always very particular that the spirits of his guests should not be damped.

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Department of Public Works.

Sydney, 16th March, 1865.

TENDERS for PUBLIC WORKS & SUPPLIES.—Tenders are invited for the following Public Works and Supplies. For full particulars see Government Gazette, a copy of which is kept at every Post Office in the colony.

No tender will be taken into consideration unless the terms of the notice be strictly complied with.

The Government does not bind itself to accept the lowest or any tender.

Date to which Tenders can be received at this Office

Nature of Works and Supplies.

Great Northern Road, 1st District—

12½ Ditto, north end of Miller's fence to south end of 8-64

Mudgee Road—

Contract 2-65—Construction Cullen

Great Southern Road, 2nd District, 1st Division—

Contract 1-65—Supply of metal,

Picton to Bargo River

Great Northern Road, 2nd District—

Contract 1-65—Maintenance material

Warland's Range to Muralla Road

Railway Bridge over the Hunter at

Simsbury, ex, to Court-house and Lock-up, Kiama

Iron and Steel for the Railway Locomotive branch

W. M. ARNOLD.

Department of Public Works.

Sydney, 9th March, 1865.

TOOLS AND DUES—SOUTHERN AND WESTERN DIVISION.—The Tools and Dues to be taken at the unauthorised Toll-houses will be sold by public auction at noon on the days specified—

Name of Toll-har.

Days of Sale.

Auctioneer.

Place of Sale.

Upset price for 9 months.

SOUTHERN ROAD—

Hanging Rock Thursday, 23rd March Clerk of Petty Sessions £450

Wrigley Ditto Ditto 450

WESTERN ROAD—

Meadow Flat Friday, 24th March Clerk of Petty Sessions 375

Katoomba Ditto Bathurst 375

For nine calendar months from the 1st day of April to the 31st December, 1865, or such other period as may be necessary at time of sale.

A bond to double the amount of rent will be required for the due fulfillment of the lessor's engagements, together with two responsible sureties. A warrant-of-attorney will also be required.

(Signed) W. M. ARNOLD.

Department of Public Works.

Sydney, 9th March, 1865.

TOOLS AND DUES—ABERDEEN, SOUTH RIVER, NORTHERN ROAD.—Tools and Dues to be taken at the Aberdeen Ferry will be sold by public auction, at noon on the day specified, subject to the opinion of the Crown Law Officers. "That no toll can be exacted from parties crossing the ford."

Name of Toll-har.

Days of Sale.

Auctioneer.

Place of Sale.

Upset price for 9 months.

Aberdeen Ferry Friday, 24th March Clerk of Petty Sessions £450

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Aberdeen Ferry Friday, 24th March Clerk of Petty Sessions £45

LAW.

SUPREME COURT.—TUESDAY.

BEFORE the Full Court.—
MURKIN, TALBOT, MARTIN,
MURKIN, V. MACKIN.

This was a motion on rule nisi, for trial, of an action for trespass, wherein the plaintiff had obtained a writ.

Mr. Darcy appeared in support of the rule, and Sir William Manning, Q.C., and Mr. Butler in support of the defendant.

The action was one for trespass by the cutting down of a fence, &c. The land alleged to have been trespassed upon was a part of Teressa Park, on the Nepean River, in the county of Camden. The defence was that the land alleged to have been so trespassed upon was a public road, or that being the road it could not be claimed. A rule nisi for trial had been granted upon various grounds, the chief of which was that the land alleged to have been trespassed upon was reserved by the grant as a road, or that, in any case, it had remained the property of the Crown. It had been argued that the Court, in the determination of this matter, might draw such inferences as to fact as a jury might have done.

The Court reserved judgment.

METROPOLITAN DISTRICT COURT.

TUESDAY.

BEFORE Mr. Justice Cheeke.

THOMAS V. TOWNSEND AND ANOTHER.

This was a motion for trial, of an action for trespass under the following circumstances. The defendant had agreed to supply the plaintiff forty tons of lime California flour at £19 per ton. Plaintiff gave instructions to defendants in December last to supply the flour, and upon getting it out of the store to deliver it, it was found to be two tons short of the quantity. Defendants refused to pay this sum, and the plaintiff returned to the market, and paid £23 per ton, plaintiff claiming the market price. Defendants refused to pay this, and plaintiff brought his action.

Verdict for plaintiff for £3, including £1 paid into Court. Mr. Stephen for plaintiff; Mr. Johnson for defendant.

HUNT AND ANOTHER V. GIBBONS.

Plaintiff, butchers, claimed 20 lbs. for meat delivered to defendant. Not being prepared to prove their case, plaintiffs were nonsuited.

THOMAS V. FURLONG.

A dispute between plaintiff and defendant, in regard to certain items in plaintiff's bill for horses and cattle, was referred to defendant's order. Defendant complained that he had suffered considerable loss through plaintiff failing to fulfil his contract in regard to supplying coaches on a certain occasion.

Verdict for plaintiff for £8 2s.

V. RODISTER.

A claim of £1 16s. for rent of a house situated in Market-street. Verdict for plaintiff for amount claimed.

THOMAS V. NELSON.

Plaintiff claimed the value of a skittle table alleged to have been sold to defendant. It appeared from defendant's statement that the table was left in plaintiff's custody, and had never been used. He averred that he never agreed to give plaintiff any money for the table. Verdict for defendant.

THOMAS V. MUNGER.

An action upon two promissory notes, one for £23, and the other for £15 16s. It appeared the note in question were drawn by one Anderson, in favour of Martin & a butcher, who paid them to plaintiff in settlement of a claim, defendant being endorser and payee of the bills. The bill was presented to defendant, and he, plaintiff, and being unsatisfied, he in the second place applied to defendant for payment through his attorney, Mr. Brown. Defendant pleaded that the notice of dishonour, as given to him, Mr. Brown's letter was insufficient, insomuch as it was stated therein that the bill would fall due that day.

Defendant complained, however, of plaintiff having given notice of the dishonour of the first bill immediately after the dishonour, in order that he (defendant) might have sued Anderson for it. A great deal of evidence was adduced to defendant's account, and being unsatisfied, he in the second place applied to defendant for payment through his attorney, Mr. Brown. Defendant failed to pay, and plaintiff now brought his action.

Defendant pleaded that the notice of dishonour, as given to him, was sufficient, insomuch as it was stated in his letter that the bill would fall due that day.

This was an action to recover the value of five tons of Liverpool salt. It appeared that the defendants had been receiving some salt from Cowan and Dunn, and plaintiff being aware of this, went to defendant, and asked them when they would receive the remaining five tons; defendants being under the impression that the man was Cowan and Dunn's drayman, gave him instructions to pay the salt to plaintiff on the first day for £20, with interest; and for the defendant on the second, on the legal opinion that there was no proper notice of dishonour. He also allowed costs upon the higher scale. Mr. S. C. Brown for plaintiff; Mr. H. Stephen for defendant.

THOMAS V. SHEPPARD AND ANOTHER.

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ELIZABETH V. JACQUES.

A claim for rent of a quantity of land. Verdict for plaintiff for 20s. Mr. Brown for plaintiff; Mr. Doak for defendant.

VETNET AND ANOTHER V. SAWYER.

Plaintiffs claimed 20s. the value of a clock supplied to defendant.

CALDWELL V. FITZPATRICK.

Plaintiff, a grocer, claimed £7, 10s. for goods sold and delivered to defendant for payment. Plaintiff was that defendant's wife was not living with her husband at the time the goods were supplied, she having left him of her own accord; and that the goods were not obtained by his consent. Further, that she had received from him ever since she had married him a sum of £100, for payment of her expenses, except those in dispute, for several years prior to the transaction in question. Defendant averred that he never disputed the correctness of the account rendered to him, but only disputed his liability. Verdict for defendant; f r whom Mr. Iddesden appeared. Mr. Salomons for plaintiff.

AN ACTION FOR REVENGE ON A DEFENDANT AND his land occupied by defendant. Verdict for plaintiff, for amount claimed.

The Court adjourned to Tuesday, 27th instant.

INSOLVENCY COURT.

TUESDAY.

BEFORE the Chief Commissioner.

On motion of Mr. Salomons, the rule nisi in Rashleigh v. Wilson was made absolute.

In the estate of Joseph Goulston, an adjourned second meeting. Audet was further examined, and two debts were proved.

On the motion of Mr. Humphrey, a second plan of distribution in the estate of Henry Machen, showing a dividend of 3s. 6d. in the pound, was confirmed.

In the matter of the prosecution of Edward Lotze, for felonious insolvency. Mr. Wodehouse, the prosecutor, had informed the court that he was about to address his Honor on the case, but that if his Honor remained of the opinion, respecting certain legal questions which he (Mr. Wodehouse) inferred, from the previous course of the case, that his Honor had formed, he would not desire to say anything.

The Chief Commissioner said, that Mr. Wodehouse had informed him that he was about to address his Honor on the case, but that if his Honor remained of the opinion, respecting certain legal questions which he (Mr. Wodehouse) inferred, from the previous course of the case, that his Honor had formed, he would not desire to say anything.

That journal says:—Various conjectures are made respecting the cause of the fire. It is generally admitted that, in heating glass, some sparks from the fire communicated with shavings in the yard; but as they did not happen to be heating glue that morning, it could not have occurred in that way. There were three men in the shed waiting for the hour (two) to resume work: two were lying on a bench in one of the sheds, and the other under it; none of them were smoking, as smoking was strictly prohibited in the yard, and the shavings were first observed to be on fire to windward of them. Whether it could be through sparks carried by the wind from chimneys of houses in the neighbourhood is also a point of much conjecture; and as the absence of a witness, it would be unfair to attribute the disaster to any specific cause until an inquiry into the matter is not completed.

THE DEPUTATION TO MR. ROBERTSON.

(Par favour of the Herald.)

RESOLUTIONS, which might have been, but were not, submitted to the Honourable Minister for Lands, by the delegation of gentlemen interested in the pastoral welfare of the country, who waited on him last week.

"1st. That the area at the present time open to free selection is so vast as to be more than sufficient for all the requirements of a population fifty times as great as that of New South Wales.

"2nd. That there were fifty or a hundred times as many individuals seeking to acquire farming property in the country as can possibly be supposed to be, there would still be within that area ample scope for the all the pick and choice among the most eligible agricultural sites in Australia.

"3rd. That, holding these assumptions to be incontrovertible, and almost unquestionable, it appears to us that to make the whole of the leasehold lands of the Crown in this colony subject at all times to indefinite invasion, and to partial or total abrogation of tenure, would be a measure quite unequal to private capital, and unattractive by any compensatory advantages to intending agriculturists.

"4th. That such a measure would, evidently and almost necessarily render a greater service, as it was possible for their number to render on such an occasion. Mr. George Cohen, Mr. Morris Cohan, Messrs. J. and M. Marks, Messrs. Owen, O'Niall, and many others whose names we could not learn, did their utmost to save the property of the firm in which they were interested, losing their own personal effects meanwhile. Amongst the townpeople there were many very active in their good efforts to save property. Most of the stores were likewise closed, so as to enable their employees to assist. There were also very many others deserving of praise who did their duty, and who could not be recognized beneath the general cloud of honourable dirt which, as a mask, covered their faces. The consciousness of having done their duty like good citizens will compensate them for any omission on our part. The fire brigade worked manfully whilst their efforts were necessary, and they have every reason to be satisfied with the engine they possess, as none could work better.

THE CALAMITOUS FIRE IN WEST MAITLAND.

YESTERDAY'S *Mercury* supplies some additional particulars of this, the most destructive fire that has ever happened in Maitland.

That journal says:—Various conjectures are made respecting the cause of the fire. It is generally admitted that, in heating glass, some sparks from the fire communicated with shavings in the yard; but as they did not happen to be heating glue that morning, it could not have occurred in that way. There were three men in the shed waiting for the hour (two) to resume work: two were lying on a bench in one of the sheds, and the other under it; none of them were smoking, as smoking was strictly prohibited in the yard, and the shavings were first observed to be on fire to windward of them. Whether it could be through sparks carried by the wind from chimneys of houses in the neighbourhood is also a point of much conjecture; and as the absence of a witness, it would be unfair to attribute the disaster to any specific cause until an inquiry into the matter is not completed.

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WATER POLICE COURT.

TUESDAY.

Before the Water Police Magistrate, and Mr. E. J. C. North.

Maria White, drunk and using obscene language on the Quay, fined 20s. or to be imprisoned seven days.

James Taylor, throwing stones to the common danger of passengers in Palmer-street, fined 10s., or to be imprisoned one month.

Peter Coffey, and James Moran, 13, were brought before the Court on suspicion of stealing four doves and a hen, and were found guilty. Peter Coffey, and James Moran, 13, were sentenced to prison for six weeks.

John Dwyer, and others, were charged with breaking and entering into a house in George-street, and were found guilty. John Dwyer, and others, were sentenced to prison for six weeks.

Charles Tridgell, fined 10s., with costs, for using obscene language in a public place.

when apprehended by another constable, had also a parcel of papers in his possession. They said they had taken them from a cart near where the fire occurred, in George-street, Friday 20th, each, or to be imprisoned seven days.

William Evans, and Mr. McDonnell, were fined 10s. each, with costs, for breaking and entering into a house in George-street, and were sentenced to prison for six weeks.

William Bradley, allowing dogs to run on the North Head Road, fined 10s., with costs, for using obscene language on the Quay.

Charles Tridgell, fined 10s., with costs, for using obscene language in a public place.

LAW PROCEEDINGS THIS DAY.

THE SUPREME COURT.

TUESDAY.

MURKIN, TALBOT, MARTIN,

MURKIN, V. MACKIN.

This was a motion on rule nisi, for trial, of an action for trespass, wherein the plaintiff had obtained a writ.

Mr. Darcy appeared in support of the rule, and Sir William Manning, Q.C., and Mr. Butler in support of the defendant.

The action was one for trespass by the cutting down of a fence, &c. The land alleged to have been trespassed upon was a part of Teressa Park, on the Nepean River, in the county of Camden. The defence was that the land alleged to have been so trespassed upon was a public road, or that being the road it could not be claimed. The plaintiff, however, maintained that the land in question was his, and that the title to it had been granted upon various grounds, the chief of which was that the land alleged to have been trespassed upon was reserved by the grant as a road, or that, in any case, it had remained the property of the Crown. It had been argued that the Court, in the determination of this matter, might draw such inferences as to fact as a jury might have done.

The Court reserved judgment.

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METROPOLITAN DISTRICT COURT.

TUESDAY.

BEFORE Mr. Justice Cheeke.

THOMAS V. TOWNSEND AND ANOTHER.

This was a motion for trial, of an action for trespass under the following circumstances. The defendant had agreed to supply the plaintiff forty tons of lime California flour at £19 per ton. Plaintiff gave instructions to defendants in December last to supply the flour, and upon getting it out of the store to deliver it, it was found to be two tons short of the quantity. Defendants refused to pay this sum, and the plaintiff returned to the market, and paid £23 per ton, plaintiff claiming the market price. Defendants refused to pay this, and plaintiff brought his action.

Verdict for plaintiff for £3, including £1 paid into Court. Mr. Stephen for plaintiff; Mr. Johnson for defendant.

THE COURT RESERVED JUDGMENT.

THE SUPREME COURT.

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THE SUPREME COURT.

TUESDAY.

BEFORE Mr. Justice